



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/532,635

09/12/2005

Hans-Ulrich Hummel

074060.3

9433

27805

7590

05/22/2009

THOMPSON HINE L.L.P.
Intellectual Property Group
P.O. BOX 8801
DAYTON, OH 45401-8801

EXAMINER

WATKINS III, WILLIAM P

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

05/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Attachment to Interview Summary

1. The amendment filed 12 May 2009 will be entered upon appeal. In the event of an appeal the art rejection of record will be maintained, with the exception that a statement will be added that selection of any particular common natural zeolite such as Clinoptilolite would have been obvious in view of the teachings of the references absent unexpected results.
2. Applicant's arguments filed 12 May 2009 have been considered but have not been found persuasive. Applicant has narrowed the independent claim to conform to the showing of unexpected results using Clinoptilolite, but broadened it at the same time to allow the inclusion of unlimited amounts of diatomaceous earth. The declaration evidence clearly states that the experimental data includes only materials with less than 3% diatomaceous earth and implies that the drying and other absorption qualities of diatomaceous earth may influence the results. Thus it is not clear if there are unexpected results between natural Clinoptilolite and synthetic zeolite in building boards, if the inclusion of large amounts of diatomaceous earth is allowed.
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WW/ww
May 22, 2009

/William P. Watkins III/

Primary Examiner, Art Unit 1794